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### MAIL STOP: PETITIONS

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

Serial No. 09/849,768

Date: September 13, 2004

SEP 2 0 2004

Date Filed: 5/4/2001

Examiner: A. Pechhold

OFFICE OF PETITIONS

Applicant: K. Krueger et al.

Group: 3671

Title: Stormwater Management System

Attorney No. STT-0003 (2307)

# PETITION TO REVIVE UNINTENTIONALLY ABANDONDED APPLICATION

To: Commissioner for Patents

Applicants hereby petition to revive this application which is abandoned because applicants failed to respond to a notice of defective brief dated February 22, 2003. (Applicants have not received a notice of abandonment.)

- 1. Applicants enclose a check for \$55 in payment of fee. If there is a deficiency, please charge it to deposit account No. 14-0711, reference number 2307.
- 2. Applicants enclose three copies of an amended appeal brief, for entry in response to the notice of defect, which defect related to omission of the "Grouping of Claims" section.
- 3. A notice of non-compliant appeal brief had been mailed in February 26, 2004. That notice was never received by applicants' attorney.
- 4. The Supervisory Examiner called applicants' attorney on 2/2/04, as he tried to help with address problems in the case. See below. Then, applicants awaited the reply brief. They assumed it was delayed by work load. On 6/8/04 and 7/28/04 applicants sent fax status requests. Copies are enclosed. No responses were received. On 8/24/04 applicants called the examiner and she advised of the missing office action.
- 4. Enclosed are copies of applicants' attorney's docket sheets. They show receipts, and responses and other actions which must be taken for various cases, in early 2004 time period, when response would have be required for the never-received office action. See the notes with the attachments.
- 5. Applicants have had a lot of difficulty with correspondence in this case. They tried several times to correct things. It may be that the missing notice was have been sent to the wrong address, and not forwarded to the present attorney. The history is:
  - --in February 2003, a transmittal letter and new power of attorney requested that PTO change the correspondence address

--in September 2003, applicants sent a large type face letter, requesting the PTO to send correspondence to the correct address, since the 6/17/03 final rejection was sent to the old address

--on February 4, 2004, Supervisory Examiner T. Will called applicants' attorney, seeking to help with the address problem. After that, applicants thought things were resolved.

- 6. Thus, applicants were unaware of the issuance of the office action, and that there was a deadline set for response. Therefore, the failure to timely respond was unavoidable. In fairness, the application should be revived, and that is respectfully requested.
- 7. Applicants' attorney has never previously filed any petition relating to a never-received office action.

Respectfully submitted, Kurt J. Kruger et al.

By Child

C. G. Nessler Box H Chester, CT 06412 (860) 526-9149 (860) 526-1043

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 4, 2004.

Serial No. 09/849,768 Krueger et al. Atty No. 2307

Explanation re Atty. C. Nessler Docket System

The original attorney docket number was STT 0003. When the case was turned over to C. Nessler, his docket number 2307 was assigned. That is the number shown in the attachments.

Correspondence from the PTO is opened and placed in an incoming basket for processing. Periodically, such correspondence is placed in the file and its receipt is entered on the file wrapper docket (Page B). At the same time, the date for response is entered into the master docket (Page A).

The subject never-received office action was dated February 26, 2004, which normally would have been received within 1-5 days. The action required a response within 30 days, or March 20, 2004. If received, it would have been reflected by an entry at X on Page A and at Z of Page B.

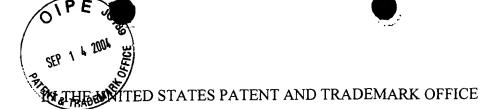
Pages A and B show items entered before and after such date.

On Page A, subject case "2307 Krueger" does appear on the docket at Y, with other items for which there is no present deadline for action.

In and cap file formal the sentence SEP 1 4 2004 · XE 13/04 2223 Sully CKET REQUIRED ACTIONS MAR 48/13/04 2332 [ - LEGAL 🎎 CRITICAL DATE XA/27/04 953+ & TRADEM! Action Inventor/Client Matter DKT NO. DATE file cip goal or ids 4115 or 2103 2103A ALCVD 2156 isi knueger corrugated storm 11/20/2003 resp to rejection filed 12/18 2104 potto leach heating 12/18/2003 ~ 4/3/042301 PCT # 57 Reply file ids gool 2156 is krueger corrugated storm 12/30/2003 ergonomic leach ch عصص نعني 2222 ids, declaration 6/104 = 10 1 theory 120 2/1 02/10/2004 ids goal 2229 ici brechu chamber 02/10/2004 ids 2312 ioi burnes facet end cap 02/10/2004 ids 02/10/2004 2313 ici-swistak inward flare ids 02/10/2004 2336 in brooksu seal claims return 🎾 2333 buttoth estate 02/11/2004 check petition - 12 ok five RECEIVED 2207 isi gold tm 02/15/2004 file formal - goal. 2241 storage rock -02/20/2004 ids good 2215 acc 2215B modular wall 03/01/2004 ids SEP 2 0 2004 file formal etr 21. - line 2223 cobmitt-gelies linerless labeler 03/03/2004 pay-issue-fee pay 1211 2103-potts treat-leach-field---03/09/2004 OFFICE OF PETITIONS resp to rejection 2032 pette dewater 03/10/2004 final accounting. 2333 estate 03/11/2004 file app - check on sale 2314 initiations top feed corug chmb 03/15/2004 file formal 2309 prompteyettez opt disk pkg 6 05 03/17/2004 2130 ratherness low press snowmaker ids good new drawing forehomen in classic file provided the day 03/20/2004 2115 modular wall parent 03/27/2004 file prov goal 03/31/2004 2144 potts afb follow up on one remaining 2215 C modular wall copyright 04/01/2004 file formal (+) 212 2317 is seeppes solids filter isolator 04/01/2004 HHE 2129 jai/angland quick play drain notice of appeal 04/09/2004 APPEARED issue fee, term discl 9916 potts 9916A Ifa apparatus 04/15/2004 resp to rejection 2156 22156A mod wall parent 04/20/2004 accounting realization sealized trust 04/20/2004 issue fee, term discl 9916 sette 9916B Ifa method II 04/21/2004 renew **Obligistal-permit** 04/22/2004 resp 2327 Learning clean sweep tm 05/17/2004 "OTHER file formal 2343 isi sappes split tube 05/24/2004 file foreign 2153 metts dripline 06/13/2004 CLIENT" 1.13. file national app 2301 tranporter 2301PCT 07/22/2004 file formal HAS BREN REDACTED 2140 is motors fire resisting pallet 07/31/2004 file formal 2239 meide watch winder 09/24/2004 9939 smith kinetic cool pct file national app 11/1 10/01/2004 2222 isi moste ergonomic leach ch file foreign 10/01/2004 2229 iai beecha chamber file foreign 10/01/2004 2312 idhinase facet end cap file foreign 10/01/2004 2313 ici ewistak inward flare file foreign 10/01/2004 file foreign 2336 ini-broomu seal 10/01/2004 2222 isi broshu chamber formal app 10/02/2004 2342 motor shield file formal 10/15/2004 swivel pct file national app 10/20/2004 file foreign 2338 broom and pan figures 10/24/2004 file formal 2152 est obr 11/13/2004 file formal latch for chamber 11/20/2004 2350 in file formal THUZ RFID 12/04/2004 2352 status query 2141 dibiggiono bronze 03/01/2005 renew str passport 03/05/2005 resp filed 1/6 2301 tranporter filed 6/25/03 2245 chung folding furniture 2338 kronnoin broom and pan figures filed 10/24/03 resp filed 1/26/03 2138 techanocup lid 2307 krueger STT003 storm chmb brief filed 11/13/03 SUBJECT CASE (Y) filed 7/11/03 2125 time ramp rack filed 5/20/03 2157 birbarnes swivel ( NO DOME WOKATES 2162 idiamith radiant resist chmbr filed 3/28/03 NO ATTY DEADLINE) 2203 getisciprompted feedr-singular filed 2/28/03 2245 colling chung folding furniture filed 6/25/03 brief filed 9/03 9534 gelien premister

# Granted

Applicant Krueger et al.	
Ser. No. 09/849,768	Group 367
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For Storm water Management System	
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Serial No. 09/849,768

Date: June 8, 2004

Date Filed: 5/4/2001

Examiner: A. Pechhold

Applicant: K. Krueger et al.

Group: 3671

Title: Stormwater Management System

Attorney No. STT-0003 (2307)

# STATUS INQUIRY

#### Commissioner of Patents

Applicants request that they be advised of the status of the application. A telephone response to 860 526 9149 will be satisfactory.

Applicants filed an appeal brief dated November 13, 2003. They have not received an Answer yet. There were previous difficulties with office actions being sent to the incorrect address. It was thought these were resolved in February 2004, but applicants are concerned, and wish to resolve their appeal.

Please confirm that an Answer has not been made, and that applicants may soon expect same.

Respectfully submitted, Kurt J. Kruger et al.

By Chesses
Their Attorney

C. G. Nessler

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I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office (Attn: Alexandra Pechold) by facsimile to 703 746-3856 on June 8, 2004

C. G. Nessler



Serial No. 09/849,768

Date: July 28, 2004

Date Filed: 5/4/2001

Examiner: A. Pechhold

Applicant: K. Krueger et al.

Group: 3671

Title: Stormwater Management System

Attorney No. STT-0003 (2307)

STATUS INQUIRY

(2) PAGES

#### Commissioner of Patents

Applicants request that they be advised of the status of the application. Attached is a copy of a status inquiry dated June 8, to which applicants have not received a response.

Respectfully submitted, Kurt J. Kruger et al.

By B

Their Attorney

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I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office (Attn: Alexandra Pechold) by facsimile to 703 872-9306 on July 28, 2004

C G Nessler